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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,948	09/01/1999	SACHIKO NOGUCHI	FUJI-16.475	3206

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/387,948

Applicant(s)

NOGUCHI, SACHIKO

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10, 11 and 13-24 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Allowable Subject Matter

1. The indicated allowability of claims 1-8, 17-21, 23, and 24 is withdrawn in view of the newly discovered reference(s) to Voit, Stiller, Kugell, Coile, and Fujino. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 10, 17, and 22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 6,069,890) in view of Voit (US 6,157,648).

Regarding claims 10, 1, 17, and 22-24, White teaches a method and apparatus for a voice gateway (fig. 4 box 104, 116) interconnecting IP networks (fig. 4 box 106) with other networks (fig. 4 box 102, 114) for voice communication.

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The voice gateway comprises a call-setup part which after detecting a call-setup request from one of said other networks (fig. 5 box 128, 130, col. 9 lines 15 - 19), transmits a destination inquiring message (col. 9 lines 38 - 42) to a predetermined gateway (fig. 4 box 106, fig. 5 box 142, col. 9 line 43), and after receiving a destination determination message from a destination voice gateway (col. 9 lines 60-62, case of called station sending a busy message explicitly shown, col. 9 lines 52-53), performs a call setup towards a destination transport address included in said destination determination message from said destination voice gateway (col. 9 line 60 - 62).

The voice gateway transmits a steering number / telephone number and a transport address / IP address of said voice gateway to said predetermined gateway (fig. 5 box 142, col. 9 line 43).

Regarding receiving a destination determination message from a destination voice gateway, the examiner maintains this is performed in the process of establishing the connection (col. 9 lines 60-62). If this were not the case, the voice gateway would know to proceed with the call. Note, as stated previously, the busy signal is explicitly shown being returned from the destination gateway (col. 9 lines 52-53).

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Regarding claims 1 and 24, the examiner equates the first voice gateways of claims 1 and 24 with White (fig. 4 box 104, 116) and the second voice gateway with the gateways within the Internet (fig. 4 box 106). In addition to the limitations previously listed, (b) the destination inquiring message includes a transport address of said originating voice gateway (col. 9 lines 52-53, in order for the busy signal to be sent to the originating voice gateway, the transport address of the originating voice gateway must be sent) and a destination office number (col. 9 lines 38-42) and (c) the destination determination message includes a transport address of said destination voice gateway to said originating voice gateway (col. 9 lines 60-62). Note, the destination transport address must be included for the destination gateway to inform the source gateway that the dialed telephone number is not busy.

Regarding claims 10, 1, 17, 22-24, Although White teaches a predetermined voice gateway, the reference is silent on the predetermined voice gateway holds a route selection table, compares said destination inquiring message with said route selection table, determines a route to said destination voice gateway and forwards said destination inquiring message toward said destination voice gateway.

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Voit teaches an Internet gateway comprising a route selection table for forwarding messages to their destination (fig. 3 see routers connecting autonomous systems 310, 312, 314, col. 1 lines 65-66, col. 2 lines 41-47).

Therefore it would have been obvious to one of ordinary skill in the art, having both White and Voit before him/her and with the teachings [a] as shown by White, IP telephony, and [b] as shown by Voit, an Internet gateway comprising a route selection table for forwarding messages to their destination, to be motivated to modify the system of White installing in each gateway within the Internet (fig. 4 box 106) a routing table listing destination telephone numbers and associated IP addresses. This modification can be performed in software. This would improve the system by permitting each gateway within the Internet to make routing decisions.

Regarding claim 2, a step of controlling said voice gateway, in a predetermined case, to transmit a steering number and a transport address thereof to said second voice gateway (White: col. 9 lines 38-43).

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4. Claims 11 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over White (US 6,069,890) in view of Voit (US 6,157,648) and further in view of Stiller (US 6,130,881).

Regarding claims 16 and 11, White teaches a method and apparatus for a voice gateway (fig. 4 box 104, 116) interconnecting IP networks (fig. 4 box 106) with other networks (fig. 4 box 102, 114) for voice communication.

The voice gateway comprises a call-setup part which after detecting a call-setup request from one of said other networks (fig. 5 box 128, 130, col. 9 lines 15 - 19), transmits a destination inquiring message (col. 9 lines 38 - 42) to a predetermined gateway (fig. 4 box 106, fig. 5 box 142, col. 9 line 43), and after receiving a destination determination message from a destination voice gateway (case of called station sending a busy message explicitly shown, col. 9 lines 52-53), performs a call setup towards a destination transport address included in said destination determination message from said destination voice gateway (col. 9 line 60 - 62).

Although White teaches a predetermined voice gateway, the reference is silent on the predetermined voice gateway holds a route selection table, compares said destination inquiring message with said route selection table, determines a route to

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said destination voice gateway and forwards said destination inquiring message toward said destination voice gateway.

Voit teaches an Internet gateway comprising a route selection table for forwarding messages to their destination (fig. 3 see routers connecting autonomous systems 310, 312, 314, col. 1 lines 65-66, col. 2 lines 41-47).

Therefore it would have been obvious to one of ordinary skill in the art, having both White and Voit before him/her and with the teachings [a] as shown by White, IP telephony, and [b] as shown by Voit, an Internet gateway comprising a route selection table for forwarding messages to their destination, to be motivated to modify the system of White installing in each gateway within the Internet (fig. 4 box 106) a routing table listing destination telephone numbers and associated IP addresses. This modification can be performed in software. This would improve the system by permitting each gateway within the Internet to make routing decisions.

The combination of White and Voit is silent on a notifying part which, when said steering number and said transport address of said voice gateway are changed, notifies said predetermined voice gateway of said changed steering number and said changed transport address.

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Stiller teaches route update message are used to update routing tables (col. 2 lines 46-48).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and Voit and Stiller before him/her and with the teachings [a] as shown by the combination of White and Voit, IP telephony, and [b] as shown by Stiller, route update message are used to update routing tables, to be motivated to modify the system of the combination of White and Voit by having the system send route update messages to each node in order for all the routing tables to be updated. This would improve the system by keeping the routing tables current.

Regarding claim 11, the examiner corresponds the applicant's recording part with the updating that is performed by Stiller.

5. Claims 3, 6, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and Voit as applied to claims 1, 11, and 17 above, and further in view of Kugell (US 5,802,160).

The combination is silent on deleting said transport address and said steering number from said route selection

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table, if said transport address recorded on said route selection table is not referred to during a predetermined period.

Kugell teaches deleting a telephone number due to nonuse during a predetermined period (col. 2 lines 41-43).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and Voit and Kugell before him/her and with the teachings [a] as shown by the combination of White and Voit, IP telephony, and [b] as shown by Kugell, deleting a telephone number due to nonuse during a predetermined period, to be motivated to modify the system of the combination of White and Voit by deleting a transport address / IP addresses and said steering number / telephone number from said route selection table, if said transport address recorded on said route selection table is not referred to during a predetermined period. Storing next to each IP address located in the table the last time the address was used and deleting the entry if the address has not referred to during a predetermined period can perform this modification. This would improve the system by limiting the table to contain only active IP addresses.

Regarding claim 3, the examiner corresponds the applicant's step of controlling with the process Kugell's step of recording the last time the telephone number was used, regarding the limitation of the route selection table, this issue has previously been discussed in claim 1.

6. Claims 7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and Voit as applied to claims 1, 10, and 17 above, and further in view of Coile (US 6,176,733).

Although White teaches both the Internet and PSTN operating simultaneously (fig. 2) the combination is silent on controlling said second voice gateway, in a case of failing to deliver said route selection information, to transmit a failure message to said originating voice gateway, so that said originating voice gateway selects the network other than the IP networks to set up the call.

Coile teaches backup network devices in an IP environment (col. 2 lines 44-46).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and Voit and Coile before him/her and with the teachings [a] as shown by the combination of White and Voit, IP telephony, and [b] as

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shown by Coile, backup network devices in an IP environment, to be motivated to modify the system of the combination of White and Voit by having the Internet send a failure message to the SSP (White: fig. 2 box 50) if unable to setup and having the call setup over the PSTN. This modification can be performed by routing the failure message in the same manner that the busy signal is routed (White: col. 9 lines 52-53). This would improve the system providing an alternate network to route the call in case of failure of the primary network.

7. Claims 8, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and Voit as applied to claims 1 and 17 above, and further in view Stiller (US 6,130,881).

Regarding claim 18, a transmitting part for transmitting a steering number and a transport address to a predetermined voice gateway (col. 9 lines 38-42).

The combination of White and Voit is silent on notifying said second voice gateway, when said steering number or said transport address of said voice gateway is changed, of said changed steering number or said changed transport address.

Stiller teaches route update message are used to update routing tables (col. 2 lines 46-48).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and Voit and Stiller before him/her and with the teachings [a] as shown by the combination of White and Voit, IP telephony, and [b] as shown by Stiller, route update message are used to update routing tables, to be motivated to modify the system of the combination of White and Voit by having the system send route update messages to each node in order for all the routing tables to be updated. This would improve the system by keeping the routing tables current.

Regarding claim 21, in order to perform the recording above, it is inherent that the device be notified.

8. Claims 5 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of White and Voit as applied to claim 11 above, and further in view of Fujino (JP 05030319).

Regarding claim 13, in addition to the limitations listed, White teaches a quick_call_setup part, which after detecting said call_setup request (fig. 5 box 128, 130, col. 9 lines 15 - 19), refers to said route selection table so as to obtain said destination transport address (fig. 5 box 136, col. 9 lines 31-32), and then performs said call setup towards said destination transport address (fig. 5 box 142, col. 9 line 43); and a

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transmitting part which, in a case of said quick_call_setup part failing to perform said call setup towards said destination transport address (col. 9 lines 52-53). Note, the examiner equates the applicant's failure to perform setup with the busy signal if White.

The combination is silent on in a case of said quick_call_setup part failing to perform said call setup towards said destination transport address, transmitting said destination inquiring message to said predetermined voice gateway. Note, the examiner equates this step with redialing the number in the case of setup failure.

Fujino teaches the concept of redialing the number in the case of setup failure (abstract).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of White and Voit and Fujino before him/her and with the teachings [a] as shown by the combination of White and Voit, call setup over the Internet, and [b] as shown by Fujino, the concept of redialing the number in the case of setup failure, to be motivated to modify the system of the combination of White and Voit by having the system of White repeat the setup procedure in case of failure. This could be performed, see fig. 5, by going from box 154 to box 138 in the case the line is busy due to failure to connect. This

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would improve the system by giving the system another opportunity to complete setup if the first attempt results in failure.

Allowable Subject Matter

9. Claim 12 is allowed.

10. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, White teaches a method and apparatus for a voice gateway (fig. 4 box 104, 116) interconnecting IP networks (fig. 4 box 106) with other networks (fig. 4 box 102, 114) for voice communication.

The voice gateway comprises a call-setup part which after detecting a call-setup request from one of said other networks (fig. 5 box 128, 130, col. 9 lines 15 - 19), transmits a destination inquiring message (col. 9 lines 38 - 42) to a predetermined gateway (fig. 4 box 106, fig. 5 box 142, col. 9 line 43), and after receiving a destination determination

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message from a destination voice gateway (col. 9 lines 60-62, case of called station sending a busy message explicitly shown, col. 9 lines 52-53), performs a call setup towards a destination transport address included in said destination determination message from said destination voice gateway (col. 9 line 60 - 62).

Voit teaches an Internet gateway comprising a route selection table for forwarding messages to their destination (fig. 3 see routers connecting autonomous systems 310, 312, 314, col. 1 lines 65-66, col. 2 lines 41-47).

Regarding a recording part, the examiner maintains this is found in Kugell. Kugell teaches deleting a telephone number due to nonuse during a predetermined period (col. 2 lines 41-43). It is therefore inherent that a record be made of the last time the telephone number was called. However, none of the prior art of reference teaches or fairly suggests only when said traffic meets a predetermined traffic requirement, records said destination transport address and a destination steering number of said destination voice gateway in a route selection table thereof. As previously stated, Kugell implies always recording the callee's number. In contrast, applicant teaches only when the traffic between the destination child voice gateway and

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source child voice gateway is heavier than a predetermined value is the information recorded (pg. 18 line 37 - pg. 19 line 5).

Regarding claim 4, the same limitation only when said traffic meets a predetermined traffic requirement, records said destination transport address and a destination steering number of said destination voice gateway in a route selection table thereof is found.

Response to Arguments

11. Applicant's arguments with respect to claims 10-16 and 22 (applicant: pgs. 13-14) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ra

Ronald Abelson
Examiner
Art Unit 2666

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